

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ERIN LEA BARNETT,**

**Plaintiff,**

**v.**

**Case No. 7:20CV663**

**ROANOKE COUNTY SCHOOL BOARD,**

**Defendant.**

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

COMES NOW, Plaintiff Erin Lea Barnett (hereinafter, "Ms. Barnett" or "Plaintiff"), by counsel, and submits this Motion for Default Judgment in this matter pursuant to Rule 55(b)(2). Appended to this motion and made a part hereof as **EXHIBIT A** is an affidavit from Ms. Barnett's counsel, Thomas E. Strelka. As partially provided in that affidavit:

1. Ms. Barnett filed her complaint on November 12, 2020 (Dkt. #1).
2. In response, Defendant filed a motion to dismiss pursuant to Rule 12(b)(6) on December 7, 2020 (Dkt. # 4).
3. This Court entered an Order denying that motion on January 25, 2021 (Dkt. # 14).
4. As of the date of this filing, Defendant has not filed responsive pleadings to Plaintiff's complaint after the Court denied Defendant's motion to dismiss.
5. Pursuant to Rule 12(a)(4)(B), "if the court denies the motion . . . the responsive pleading must be served within 14 days after notice of the court's action."
6. Defendant failed to file responsive pleadings on February 8, 2021 as required by the

federal rules.

7. Ms. Barnett hereby moves the Court to enter default judgment against Defendant as to liability, finding that Defendant violated Ms. Barnett's rights under the Title VII of the Civil Rights Act as alleged in the Complaint.

8. Ms. Barnett respectfully asks the Court for a hearing to present evidence to establish the amount of damages that she sustained including costs and attorneys' fees incurred.

Respectfully submitted,

**ERIN LEA BARNETT**



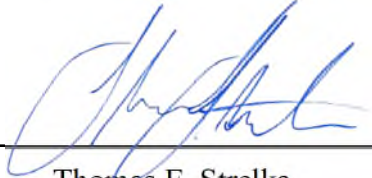
Thomas E. Strelka, Esq. (VSB# 75488)  
L. Leigh R. Strelka, Esq. (VSB # 73355)  
N. Winston West, IV, Esq. (VSB # 92598)  
Brittany M. Haddox, Esq. (VSB # 86416)  
Monica L. Mroz, Esq. (VSB #65766)  
STRELKA EMPLOYMENT LAW  
Warehouse Row  
119 Norfolk Avenue, S.W., Suite 330  
Roanoke, VA 24011  
Tel: 540-283-0802  
thomas@strelkalaw.com  
leigh@strelkalaw.com  
winston@strelkalaw.com  
brittany@strelkalaw.com  
monica@strelkalaw.com

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to:

Stacey L. Haney, Esq. (VSB 71054)  
Haney, Phinyowattanachip, PLLC  
11 S. 12<sup>th</sup> Street, Suite 300C  
Richmond, Virginia 23219  
Telephone: (804) 500-0301  
shaney@haneyphinyo.com  
*Counsel for Defendant*



---

Thomas E. Strelka